

### **REMARKS**

Claims 1-24, 26, 33, 35, and 37 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 14, 17, 23, 26, 33, 35, and 37 have been amended, and claim 18 has been cancelled with its contents incorporated into claims 1, 26, 35, and 37 as shown on pp. 2-8 of the Reply. The claim amendments thus represent subject matter previously pending in this application as dependent claim 18, and as such, no new matter has been added and there is no need for a further search or consideration on the part of the Examiner. Accordingly, Assignee's representative respectfully requests entry of the amendments to claims 1, 26, 35 and 37 after final rejection, and reconsideration and withdrawal of all outstanding rejections in view of the comments and amendments herein.

#### **I. Objection to the Specification**

The objection stands objected to for failing to provide proper antecedent basis for claim 35. This objection is respectfully requested to be withdrawn in view of the amendment to claim 35, which removes the objected to terminology from the preamble, while maintaining clearly non-abstract subject matter that meets the statutory requirements of 35 U.S.C. §101.

#### **II. Rejection of Claims 1, 26, 35, and 37 Under 35 U.S.C. §112**

Claims 1, 26, 35, and 37 stand rejected under 35 U.S.C. §112, first paragraph. Withdrawal of this rejection is respectfully requested in view of the amendments to claims 1, 26, 35, and 37, and further in view of the comments below.

The language objected in this rejection "wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device" has been removed from claims 1, 26, 35 and 37. In view of this amendment, this rejection is now moot. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

#### **III. Rejection of Claim 1, 14, 15, 21, 22, 35, 37 Under 35 U.S.C. §102(e)**

Claims 1, 14, 15, 21, 22, 35, 37 stand rejected under 35 U.S.C. §102(e) over O'Neil (US 6,973,333). Withdrawal of this rejection is requested for at least the following reasons. O'Neil fails to anticipate each and every element of the subject claims as set forth below.

Independent claim 1, as amended, recites in part: *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function.* Independent claim 35, as amended, recites in part: , wherein *the instructions for inhibiting further include instructions for preventing a store operation relating to data captured by the data recording application,* and independent claim 37, as amended, recites in part: wherein *the inhibiting module is further configured to prevent a store operation relating to data captured by the data recording function.* In this regard, O’Neil fails to disclose or suggest at least the above elements of claims 1, 35, and 37.

O’Neil relates to a system that restricts the use of a cellular telephone in a vehicle using a GPS system. Specifically, O’Neil discloses a GPS device to determine the location of a cellular telephone and then cellular communication links provide location information to a network location that compares the location information with databases describing geographic limitations on the use of cell phones. (See col. 3, lns 10-17). The geographic limitation information stored on the databases include “rules relating to restrictions on cell phone use” (see col. 8, lns. 10-13) and the geographic regions are described in terms of latitude and longitude (see col. 8, lns. 14-16). For cell phones on vehicles, GPS receivers are used to determine vehicle position information and “outputs from the GPS receivers are used to determine vehicle position for comparison with region information downloaded by cell phones located in the vehicle.” (See col. 14, lns. 7-15).

O’Neil further discloses an “audio function” (See Fig. 3A). This audio function however is discloses a warning system that “provides period warning signals (e.g., a tone or multi-tone signal generated by controller 475 and supplied to audio interface 440) when a prescribed threshold speed value is exceeded.” (See col. 9, lns. 17-20). The audio function disclosed by O’Neil is unrelated to a data recording function. Accordingly, O’Neil is silent with respect to disclosing or suggesting: *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function* as recited in claim 1, and with similar language in claims 35 and 37.

In view of at least the foregoing, it is respectfully submitted that O'Neil fails to anticipate each and every element as recited in claims 1, 35, and 37 (and claims 14, 15, 21, and 22 that depend therefrom). Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 2, 3, 5, 6, 8-12 Under 35 U.S.C. §103(a)**

Claims 2, 3, 5, 6, and 8-12 stand rejected under 35 U.S.C. §103(a) over O'Neil in view of Watanabe *et al.* (US 2005/0285944). Withdrawal of this rejection is requested for at least the following reasons. Claims 2, 3, 5, 6, and 8-12 are ultimately dependent on claim 1, which is believed to be in a position for allowance. Furthermore, O'Neil and Watanabe, alone or in combination, fail to teach or suggest each and every element of the subject claims as set forth below.

Watanabe relates to a recording apparatus which receives from a communications apparatus an image-capturing condition restricting an image capturing process. (*See* para. [0020]). Watanabe further discloses that “in an art gallery or museum where image-capturing is prohibited, the wireless communications apparatus transmits the sound recording condition of prohibiting image-capturing using the electronic camera. Therefore, a user cannot take images using the electronic camera although he or she requests to take images” (*See* para. [0049]). Watanabe fails however to cure the deficiencies of O'Neil insofar as Watanabe fails to disclose or suggest *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function* as recited in claim 1. For at least these reasons, O'Neil and Watanabe, alone or in combination, fail to teach or suggest the above recited elements of independent claim 1.

Dependent claim 8 recites: *storing data relating to the first portable digital device being present in the specific geographic region*. O'Neil and Watanabe, taken together or separately, fail to disclose or suggest the above elements of claim 8. The Examiner relies on O'Neil to for this rejection, but O'Neil merely recites “As noted above, it proves advantageous to store *region information* in tables or other data structures in a cell phone for use in embodiments... [and] ... it proves convenient upon powering on a cell phone or upon passing from one cell (or other

wireless area) to receive new or updated *region boundary information* for those regions...” (See col. 8, lns. 55-61). It is clear, however, that this is distinct from *storing data relating to the first portable digital device being present in the specific geographic region*.

Dependent claim 12 recites *changing a frequency of the at least one radio frequency at an interval*. In this regard, both O’Neil and Watanabe are silent regarding changing the frequency of the radio frequency at an interval. The Examiner cites Fig. 21 of O’Neil in the rejection to this claim, but Fig. 21 merely discloses a “periodic warning to active call” and makes no mention of *changing a frequency of the at least one radio frequency at an interval*.

In view of at least the foregoing, it is respectfully submitted that Watanabe fails to make up for the deficiencies of O’Neil with regard to claim 1. Since claims 2, 3, 5, 6, and 8-12 are dependent on a claim believed to be allowable, it is respectfully requested that the rejection be reconsidered and withdrawn. Furthermore, O’Neil and Watanabe, alone or in combination, do not disclose or suggest each and every element as recited in claims 8 and 12. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### V. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) over O’Neil in view of Heiskari *et al.* (US 5,901,342). This rejection should be withdrawn for at least the following reasons. Claim 4 is ultimately dependent on claim 1 which is believed to be in a position for allowance. As O’Neil, and Heiskari fail to disclose all the elements repeated in claim 1, claim 4 cannot be said to be obvious over the art of record.

Heiskari relates to a method of establishing a call in a mobile communications system that includes a repeater station which transmits traffic between a base station and the mobile stations (*see* Abstract). In particular, Heiskari discloses using a mobile phone as a repeater station whose operation “is dependent on the calling number and/or the service concerned.” (See col. 4, lns. 60-64). However Heiskari is silent at least with regard to *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function* as recited in independent claim 1.

Accordingly, Heiskari fails to make up for the deficiencies of O'Neil with regard to claim 1. Since claim 4 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 4 be reconsidered and withdrawn.

**VI. Rejection of Claim 7 Under 35 U.S.C. §103(a)**

Claim 7 stands rejected under 35 U.S.C. §103(a) over O'Neil in view of Fomukong (US 2008/0051105). This rejection should be withdrawn for at least the following reasons. Claim 7 is ultimately dependent on claim 1 which is believed to be in a position for allowance. As O'Neil and Fomukong fail to disclose all the elements repeated in claim 1, claim 7 cannot be said to be obvious over the art of record.

Fomukong relates to a location reporting paging communications system that resolves a global position from signals transmitted from a communication system. (*See Abstract*). Fomukong discloses determining the location of a remote receiving unit based on signals sent from at least two transmitters, either located in orbit or terrestrially, by comparing the time signature of a transmission with the current time to determine distance from each transmitter (*see para. [0027]*). However, Fomukong is also silent regarding *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function*, as recited in independent claim 1.

Accordingly, Fomukong fails to make up for the deficiencies of O'Neil and Watanabe with regards to claim 1. Since claim 7 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 7 be reconsidered and withdrawn.

**VII. Rejection of Claim 13 Under 35 U.S.C. §103(a)**

Claim 13 stands rejected under 35 U.S.C. §103(a) over O'Neil in view of Cho (EP 1139684). This rejection should be withdrawn for at least the following reasons. Claim 13 is dependent on claim 1, and allowable for at least the same reasons. As O'Neil fails to disclose all the elements repeated in claim 1 as noted above, claim 13 cannot be said to be obvious over the art of record.

Cho relates to an apparatus that automatically switches the operation mode of a portable communication unit to a desired mode when the portable mobile communication device enters an area requiring limited use of the portable mobile communication device (*see* Abstract). Cho discloses that different modes may be selected based on the type of area requiring limited use of the portable mobile communications device (*see* para. [0028]) but fails to make any mention of ***detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function*** as recited in independent claim 1.

Accordingly, Cho fails to make up for the deficiencies of O'Neil and Watanabe with regards to claim 1. Since claim 13 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 13 be reconsidered and withdrawn.

#### **VIII. Rejection of Claim 16 Under 35 U.S.C. §103(a)**

Claim 16 stands rejected under 35 U.S.C. §103(a) over O'Neil in view of Aerrabotu (US 6,829,429). This rejection should be withdrawn for at least the following reasons. Claim 16 is dependent on claim 1 which is believed to be in a position for allowance. As Aerrabotu fails to cure the deficiencies of root reference O'Neil, claim 16, by virtue of its dependency, also patentably defines over the cited art for at least the same reasons.

Aerrabotu relates to a system for controlling access to the configuration of a wireless communication device. When access control is enabled, the wireless communication device keeps track of the elapsed time using internal timing circuitry, and compares it against a predetermined duration (*See* Abstract). During this time, the “program code prevents modification of the first service mode for e defined period of time” (*See* claim 9). However, Aerrabotu is silent regarding ***detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function***, as recited in independent claim 1.

Accordingly, Aerrabotu fails to make up for the deficiencies of O'Neil with regard to claim 1. Since claim 16 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 16 be reconsidered and withdrawn.

**IX. Rejection of Claims 17 and 19 Under 35 U.S.C. §103(a)**

Claims 17 and 19 stand rejected under 35 U.S.C. §103(a) over O'Neil in view of Watanabe and further in view of Cocita (US 2006/0281450). This rejection should be withdrawn for at least the following reason: claims 17 and 19 are dependent on claim 1, and Cocita fails to cure the deficiencies of root references O'Neil and Watanabe with respect to claim 1, as described above.

Cocita relates to a system for safeguarding data stored on a digital processing system capable of communicating with a communications system. (*See Abstract*). Specifically Cocita discloses disabling circuitry “which operates to decouple the electrical power from the memory in the card” (*See paragraph [0026]*). However, Cocita is silent regarding *detecting an attempted operation of a data recording function in response to the first portable digital device being located in the specific geographic region; and inhibiting the data recording function... wherein the inhibiting the data recording function comprises preventing a store operation relating to data captured by the data recording function*, as recited in independent claim 1.

As O'Neil, Watanabe and Cocita, considered together or separately, fail to teach or suggest all the elements recited in claim 1, claims 17 and 19 also patentably define over the cited art. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**X. Rejection of Claims 20, 23, and 26 Under 35 U.S.C. §103(a)**

Claims 20, 23 and 26 stand rejected under 35 U.S.C. §103(a) over O'Neil in view of Watanabe in view of Cocita and further in view of Hirai (US 2001/0018742). This rejection should be withdrawn for at least the following reason: claims 20 and 23 are dependent on claim 1, and Hirai fails to cure the deficiencies of O'Neil, Watanabe and Cocita with respect to claim 1. As O'Neil and Watanabe, taken together or separately, fail to teach or suggest all the elements recited in claim 1, claims 20 and 23, by virtue of their dependency, also patentably define over the cited art. Additionally, O'Neil, Watanabe, Cocita, and Hirai, alone or in combination, fail to

teach or suggest all the elements of independent claim 26. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 26 recites in part: ***sending a first inhibiting signal to the second portable digital device to inhibit the attempted data recording function by the second portable digital device by preventing a store operation related to data captured by the data recording function.*** As described above with regard to claim 1, O’Neil discloses a GPS device to determine the location of a cellular telephone and then cellular communication links provide location information to a network location that compares the location information with databases describing geographic limitations on the use of cell phones. (*See* col. 3, lns. 10-17). The geographic limitation information stored on the databases include “rules relating to restrictions on cell phone use” (*see* col. 8, lns. 10-13) and the geographic regions are described in terms of latitude and longitude (*see* col. 8, lns. 14-16). For cell phones on vehicles, GPS receivers are used to determine vehicle position information and “outputs from the GPS receivers are used to determine vehicle position for comparison with region information downloaded by cell phones located in the vehicle.” (*See* col. 14, lns. 7-15). Nowhere, however, does O’Neil disclose or suggest ***sending a first inhibiting signal to the second portable digital device to inhibit the attempted data recording function by the second portable digital device by preventing a store operation related to data captured by the data recording function***, as recited in claim 26.

Hirai relates to a system to manage and monitor the distribution status of content and accurately impose a royalty based on the use of the content. (*See* Abstract). Furthermore, Hirai discloses a “content distribution technique” that allows a system to “appropriately managing or monitoring the distribution or provision status of content” (*See* para. [0015]). At no point however does Hirai disclose or suggest ***sending a first inhibiting signal to the second portable digital device to inhibit the attempted data recording function by the second portable digital device by preventing a store operation related to data captured by the data recording function***, as recited in independent claim 26. For at least the above mentioned reasons, O’Neil, Watanabe, Cocita, and Hirai, alone or in combination fail to recite all the elements of claim 26 and therefore reconsideration and withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that O’Neil, Watanabe, Cocita, and Hirai, taken together or separately, fail to teach or suggest at least the elements of claims 20, 23, and 26. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.



**XI. Rejection of Claims 33 Under 35 U.S.C. §103(a)**

Claim 33 stands rejected under 35 U.S.C. §103(a) over Cho in view of Hirai. This rejection should be withdrawn for at least the following reasons. Cho and Hirai, alone or in combination, fail to teach or suggest every element of independent claim 33.

Claim 33, as amended, recites in part: ***initiating image data recording by the image data recording function; and returning a recorded image to the central station in response to the interrogation or the enabling signal.*** Cho and Hirai, taken together or separately, fail to disclose or suggest at least the above recited elements of claim 33

As described above, Cho relates to an apparatus that automatically switches the operation mode of a portable communication unit to a desired mode when the portable mobile communication device enters an area requiring limited use of the portable mobile communication device (*see* Abstract). A mode signal generator “generates a mode signal corresponding to a mode selected from a normal vibration mode, a transmission-restricted vibration mode, an incoming call cut-off mode, an image and data transmission-prohibited mode...” (*See* para. [0006]). However, the disclosure of Cho is distinct from at least: ***initiating image data recording by the image data recording function; and returning a recorded image to the central station in response to the interrogation or the enabling signal.*** Hirai relates to a system to manage and monitor the distribution status of content and accurately impose a royalty based on the use of the content (*see* Abstract), and therefore fails to cure the deficiencies of Cho with regard to claim 33. For at least these reasons, reconsideration and withdrawal of the rejection to claim 33 is respectfully requested.

CONCLUSION

Withdrawal of all outstanding rejections is respectfully requested in view of the present amendments and comments overcoming the outstanding rejections in the Official Action herein. A prompt action reconsideration and withdrawal of all outstanding rejections is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [VSAFP103WOUS].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
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